

REMARKS

Further and favorable reconsideration is respectfully requested in view of the foregoing amendments and following remarks.

Amendments to the Specification and Claims

The amendments to the specification and claims are discussed in detail below, in relation to the rejections under 35 U.S.C. § 112. In addition to the amendments discussed below, the claims have been amended to make minor changes, in order to better comply with U.S. practice.

As is evident from the discussion below, no new matter has been added to the application by these amendments.

Rejection Under 35 U.S.C. § 112, Second Paragraph

The rejection of claims 1 and 6-10 as being indefinite under 35 U.S.C. § 112, second paragraph has been rendered moot by the claim amendments.

Item 6 of the Office Action

With regard to the term “residue” in claims 1 and 9, the Examiner indicated, “The term ‘residue’ is not defined in the specification.”

Applicants have deleted all instances of the phrase “a residue of” from Claims 1 and 9. Support for the phrase, “a member of a biologically specific bond”, is found on page 5, lines 12-16 of Applicants’ specification.

Item 7 of the Office Action

With regard to the phrase, “a condition under which fine particles whose chargeable group is in a charged state can agglutinate via analyte”, in claim 1, the Examiner states, “The condition under which chargeable group remains in charged state have not been described in the specification....”

Applicants have replaced this phrase in claim 1 with the phrase, “a condition under which fine particles can be bonded to the analyte or adsorb the analyte to form agglutinated matter”.

Support for this amendment is found on page 13, lines 5–31, in particular lines 22–25, of Applicants' specification.

Item 8 of the Office Action

The Examiner states, "As for example, the method does not have a positive step of contacting an analyte with the polymer-based fine particle and does not have a positive step of detection of agglutinated matter which remains after treatment with a condition under which bond made by electrostatic bond is cleaved but not the biologically specific bond."

Applicants have amended claim 1 to recite, "which comprises contacting an analyte with the polymer-based fine particle", and to replace "which is characterized by" with -- wherein --.

Further, Applicants have amended step (c) of claim 1 to read as follows, "the existence of agglutinated matter which remains after the treatment of step (b) is detected by a method capable of distinguishing a state in which the biologically specific bond is not cleaved, and a state in which the bond by electrostatic interaction is cleaved, the results being used as an index of the presence of analyte."

Support for these amendments is found on page 13, lines 5–31; Figure 1; and page 14, lines 14–17 of Applicants' specification.

Item 9 of the Office Action

The Examiner states that it is unclear whether "n" represents number of oxygen or number of $\text{CH}_2\text{CH}_2\text{O}$ group.

Applicants respectfully assert that "n" represents the number of $\text{CH}_2\text{CH}_2\text{O}$ groups, which is evident in view of the following phrase which occurs immediately before formula (M) both in claim 6, and in the corresponding passage on page 9 of the specification, "poly(ethylene glycol) macro monomer having formula (M)", and in view of the formula of (c-PEGVB) in Production Example 2 which gives a specific embodiment of the above-mentioned poly(ethylene glycol) macro monomer having formula (M).

Accordingly, Applicants have amended formula (M) in claim 6 and on page 9 of the specification, to replace " $\text{CH}_2\text{CH}_2\text{O}_n$ " with -- $(\text{CH}_2\text{CH}_2\text{O})_n$ --, and to replace " CH_{2p} " with --

(CH₂)_p--.

For the above reasons, the rejection under 35 U.S.C. § 112, second paragraph, has been rendered moot, and should be withdrawn.

Rejection Under 35 U.S.C. § 112, First Paragraph

The rejection of claims 1 and 6-10 under 35 U.S.C. § 112, first paragraph, has been rendered moot in view of the claim amendments.

Item 10 of the Office Action

The Examiner states that the feature, “agglutinated matter is treated under a condition under which, although the biologically specific bond between fine particles is not cleaved, the bond made by electrostatic interaction can be cleaved”, is not supported by the specification.

Applicants have replaced “a condition” with -- a condition of a raised ionic intensity --. Support for this amendment is found on page 3, line 1 of Applicants’ specification.

Additionally, new claim 11 has been added, which restricts the condition to “adjusting the concentration of salt to 0.1 to 2 M”, as suggested by the Examiner.

For the above reasons, the rejection under 35 U.S.C. § 112, first paragraph, has been rendered moot, and should be withdrawn.

Request for Clarification

Attached to the Office Action was what appears to be the results of a prior art search conducted by the Examiner. However, no mention of the search is made in the Office Action, nor are any of the references cited on a Notice of References Cited form. In view of this, Applicants assume the results of the prior art search indicated the patentability of the pending claims over the prior art. If Applicants’ understanding is incorrect, the Examiner is respectfully requested to inform Applicants’ representative with the next correspondence.

Conclusion

Therefore, in view of the foregoing amendments and remarks, it is submitted that each of the grounds of rejection set forth by the Examiner has been overcome, and that the application is in condition for allowance. Such allowance is solicited.

If, after reviewing this Amendment, the Examiner feels there are any issues remaining which must be resolved before the application can be passed to issue, the Examiner is respectfully requested to contact the undersigned by telephone in order to resolve such issues.

Respectfully submitted,

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